

ORIGINAL

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF GUAM

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

ONE (1) U.S. PRIORITY MAIL PARCEL BEARING THE
PRINTED ADDRESS EVELYN ANSELMO, P.O. BOX 8943,
TAMUNING, GU 96931

(Further Described in Attachment A)

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANTCase Number: **08-00015**I, Steve Basak being duly sworn depose and say:I am a(n) U.S. Postal Inspector, U.S. Postal Inspection Services and have reason to believe
Official Titlethat ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

United States Postal Service, Guam Main Facility, Barrigada, Guam.

in the _____ District of GUAMthere is now concealed a certain person or property, namely (describe the person or property to be seized)
Controlled substance held in violation of Title 21, United States Code, Sections 841(a)(1), 846. Items of personal property
tending to identify the person(s) ownership and control of the parcel which is subject to this warrant.

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

property that constitutes evidence of the commission of a criminal offense; contraband and fruits of crime, and property
designed and intended for use as a means of committing a criminal offense.concerning a violation of Title 21 United States code, Section(s) 841(a)(1) & 846

The facts to support a finding of probable cause are as follows:

See attached affidavit which is incorporated herein.

FILED
DISTRICT COURT OF GUAM

MAY 29 2008

JEANNE G. QUINATA
Clerk of Court

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Signature of Affiant

Sworn to before me and subscribed in my presence,

5/29/2008

9:30 a.m.

at

Hagatna, Guam

City

State

JOAQUIN V.E. MANIBUSAN, JR.

U.S. MAGISTRATE JUDGE, DISTRICT COURT OF GUAM

Name of Judge

Title of Judge

Signature of Judge

AFFIDAVIT

I, **Stephen W. Basak**, being duly sworn, depose and say as follows:

A. Background of Affiant

1. I am a U.S. Postal Inspector assigned to investigate crimes related to the mail, including the use of the U.S. Mail to unlawfully transport contraband materials I have been a Postal Inspector since 1995, and I am currently assigned to the Guam Domicile of the U.S. Postal Inspection Service's San Francisco Division.

2. I have participated in numerous controlled deliveries and search warrant executions of narcotics and scheduled controlled substances as well as numerous investigations into narcotics trafficking cases. I have served in an undercover capacity on numerous occasions. I have debriefed and directed informants in narcotic intelligence. I have participated in numerous arrests, which pertain to the distribution of controlled substances. I received both formal and informal training from U.S. Postal Inspectors, Assistant United States Attorneys, the Drug Enforcement Administration, and other law enforcement agents who have done extensive work with the investigation of the sales, distribution, and manufacture of controlled substances.

3. I have assisted on cases involving the mailing of controlled substances. All of the facts and information set forth in this affidavit were obtained through official law enforcement communications.

4. I know from my training, knowledge and experience that the importers and distributors of controlled substances will utilize the U.S. Postal Service to facilitate the distribution of controlled substances. Such mail will come from foreign or domestic places of origin and will be sent in either Express or Priority Mail.

5. I know from my participation in the investigations of controlled substances sent via the mail, witnesses, cooperating individuals, and informants will discuss why the U.S. Mail system is used to facilitate the delivery of such controlled substance. I have also read official reports from other law enforcement officers detailing similar events.

6. I have participated in various parcel interdiction operations within the postal system.

7. I have been a case agent specific to the trafficking of controlled substances.

8. Based on my training, and after consulting with other law enforcement officers experienced in drug investigations, I know that certain indicators exist when persons use the United States Mail to ship prohibited controlled substances from one location to another. Indicators for parcels that contain controlled substances and/or the proceeds from controlled substances include, but are not limited to the following:

a. It is common for the shippers of the controlled substances, and/or the proceeds from the sales of these, to use Express and Priority mail because the substances arrive faster and on a predictable date, thereby allowing the shippers to keep track of the shipment of controlled substances. This is particularly true with Express mail parcels as the Postal Service has an "800" number and the Internet "track and confirm" capability where an individual can receive the location and status of their Express Mail parcel while en-route.

b. In order to conceal the distinctive smell of controlled substances from Drug Detector Dogs, these packages tend to be wrapped excessively in bubble pack and wrapping plastic, and to be sealed with the heavy use of tape around the seams. Often perfumes, coffee, dryer sheets, tobacco or other scented substances are used to mask the odor of the controlled substances being shipped. This is done in an attempt to avoid detection of the controlled

substances inside by controlled substances detection canines and individuals handling these parcels. Recently, I have observed several parcels where the flaps of the box are glued shut and parcels are lightly taped. This is done for two reasons, first, by gluing the flaps the shipper is attempting to hide the odor of the controlled substance and, secondly the shipper is trying to defeat the indicator of heavy taped parcel along all seams.

c. These packages in many instances contain a fictitious return address; no return address; or the return address is the same as the addressee address. These packages are also sometimes addressed to or from a Commercial Mail Receiving Agency (i.e. Mailboxes etc.). This is done to hide the identity of the person(s) shipping and/or receiving the controlled substances from law enforcement officials.

d. When the shippers mail controlled substances from a particular area/state, the proceeds from the sale of these controlled substances may be returned to the shipper. There are known source states, e.g., Hawaii, California, Texas, Arizona, Idaho, and Washington, based on experience and discussions, where controlled substances are mailed from.

e. A shipper sometimes mails the parcel containing controlled substances from an area different from the return address on the parcel because either; 1) the return address is fictitious; and/or 2) the shipper is attempting to conceal the actual location that the parcel was being mailed from in order to avoid detection.

f. Express mail / Priority parcels containing controlled substances usually have person to person hand written labels. Express Mail is an overnight service and primarily a business class of mail. Approximately 95 % of all Express Mail is from a business to a business; a business to an individual; or an individual to a business. Businesses usually have preprinted

Express Mail labels with their company name and address in the sender block. Smaller businesses, usually without preprinted Express Mail labels, usually type the sender and addressee information on the Express Mail Label.

g. I know my training, experience, and discussions with other law enforcement officers that the following controlled substances are likely to be found during parcel interdiction operations: Marijuana, Methamphetamine, cocaine, LSD, psilocybin mushrooms, heroin, opium, MDMA, and the proceeds from the sales of these controlled substances.

h. I know from training, experience, and discussions with other law enforcement officers that these parcels sometimes contain information and paperwork related to the sales and distribution of controlled substances. This paperwork can include, but not limited to, information on the use and effects of the various controlled substances; the quality of the controlled substances; information on the actual sender; and information and instructions for ordering future controlled substances. These parcels also sometimes contain smaller parcels that are pre-addressed for mailing to secondary addresses after they have met their initial destination.

B. Purpose of Affidavit

9. This affidavit is submitted in support of a request for a search warrant to search an Priority Mail parcel addressed to “**Evelyn Anselmo, PO Box 8943, Tamuning, GU 96931**”, and sent from “**Maxinne Pacheco, 25-3498 Pakelekia St, Hilo, HI 96720**”, hereinafter referred to as the “**Hilo Priority Mail Parcel**”, for the following items:

- a. Controlled substances held in violation of 21 U.S.C. 841 (a) (1) and 844 (a).
- b. Items of personal property which tend to identify the person(s) in possession, control or ownership of the premises that is the subject of the warrant.

c. Proceeds from the sale of controlled substances held in violation of 21 U.S.C.

841 (a) (1).

C. Relevant Facts Pertaining to Hilo Priority Mail Parcel

10. In December of 2007, I was informed by Joseph Taijeron, Officer III with Guam Customs and Quarantine Agency, of information that parcels containing narcotics had been received by Marc and Cheryl Rosten in Guam via two possible PO Box locations on Guam. Later it was advised that Rosten had also been previously arrested during an attempt to “body carry” narcotics on a flight out of Los Angeles destined for Guam. The information also indicated the possible participation of a third party to act as a receiving agency for the parcel(s). One of the addresses identified was PO Box 8943 Tamuning, Guam 96931, hereinafter referred to as “**PO Box 8943**”.

11. I placed a Mail Watch Request on PO Box 8943 requesting notification of the arrival of “any Express Mail, Priority Mail, and parcels for the above address”.

12. On May 27, 2008, I received a call from the Tamuning Postal supervisor notifying me of the arrival of a Priority Mail parcel destined for delivery to **Evelyn Anselmo, PO Box 8943 Tamuning, GU 96931**. I reviewed the parcel and determined the parcel originated from “**Maxinne Pacheco, 25-3498, Pakelekia St., Hilo, HI 96720**”. I determined the return address was valid for the state of Hawaii, a state with known affiliations to the trafficking of controlled substances. The parcel was observed to have other discrepancies prevalent to parcels containing controlled substances such as the use of Priority Mail, a the excessive usage of duct tape to seal the parcel, and the use a possible odor masking agent (the parcel was identified to contain Lilikoi Butter as per PS Form 2976-A, Customs Declaration label).

13. The aforementioned parcel measures approximately **12 1/2" x 12 3/4" x 12 1/4"** and weighs approximately **28 lbs, 10 oz.** There is a USPS postage meter strip attached in the amount of **\$15.60**, dated **MAY 13, 08** from **Zip Code 96720**.

14. On May 28, 2008, the Drug Detector Dog Unit from Guam Customs and Quarantine Agency was summoned for a further evaluation of the Hilo Priority Mail Parcel. The subject parcel was presented for external examination by **"Toya"**, and **"Faith"**, **Drug Detector Dogs** with the Guam Customs and Quarantine Agency (GCQA)". Drug Detector Dogs are specially trained to detect the odor of a controlled substance. Both dogs have received drug detection training at the Australian Customs Service Drug Detector Dog Training Center at the address of 42 Newcastle Street, Fyshwick, ACT. The dogs' handler, **Guam Customs and Quarantine Officer Three (CQ III) John P. Pangelinan**, told me that both **"Toya"** and **"Faith"** alerted to the subject parcel at approximately 11:31 a.m., by exhibiting a change in behavior consistent with the training in detecting the odor of controlled substances.

15. Because this is an ongoing investigation, it is requested that this search warrant application and the accompanying affidavit, attachment, and exhibits, are sealed until further order by the Court.

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WHEREFORE, based upon the information contained herein, there is probable cause to believe the Priority Mail parcel described in paragraphs 12 and 13 contains substances held in violation of 21 U.S.C. 841 (a)(1) and 844 (a) as described in paragraphs 9 a-c.

FURTHER AFFIANT SAYETH NAUGHT.

A handwritten signature in black ink, appearing to read 'S. Basak', is written over a horizontal line.

Stephen W. Basak
Postal Inspector
United States Postal Inspection Service

ATTACHMENT A

The Priority Mail parcel is further identified as addressed to **"Evelyn Anselmo, PO Box 8943, Tamuning, GU 96931"**, and sent from **"Maxinne Pacheco, 25-3498 Pakelekia St, Hilo, HI 96720"**. This parcel measures approximately **12 1/2" x 12 3/4" x 12 1/4"** and weighs approximately **28 lbs, 10 oz.** There is a USPS postage meter strip attached in the amount of **\$15.60**, dated **MAY 13, 08** from **Zip Code 96720**.